GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:156
ANSWERED ON:10.12.2004
STRENGTH OF JUDGES
Jagannath Dr. M.;Meghwal Shri Kailash

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the percentage of judges at District Court and High Court level for one million population in India vis-a-vis UK, Australia and US;

(b) whether the Government proposes to review the strength of judges in view of the large number of pending cases in the courts; and

(c) if so, the details thereof?

Answer

MINISTER OF LAW & JUSTICE (SHRI HR. BHARDWAJ)

(a) to (c): A statement is laid on the Table of the House.

Statement referred to in reply to Parts (a) to (c) of Lok Sabha Starred Question No. 156 for 10.12.2004 by Dr. M. Jagannath and Shri Kailash Meghwal regarding Strength of Judges.

(a): The present judge strength in India is 13 per million population (approx.). The 120th report of Eleventh Law Commission on `Manpower Planning in Judiciary - A Blue Print` (July, 1987), had, inter-alia observed that the judge strength in UK, Australia and US per million population is as follows:

U.K. : 50.9
Australia : 41.6
US : 107.0

(b) and (c): The last Triennial Review of the Judge strength of the various High Court was held in 2003. As a result, it was decided to increase the Judge strength of various High Courts from the existing strength of 655 to 749 Judges.

With regard to subordinate judiciary, the Supreme Court, in its judgement of 21st March, 2002, in All India Judges` Association & Ors Vs. Union of India & Ors, has directed that an increase in the Judge strength from the existing 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner to be determined and directed by the Union Ministry of Law. The Central Government have filed an affidavit in the Supreme Court praying that the increase in judge strength in the Union Territories for which Central Government is administratively responsible be allowed based on workload and pendency of cases. The matter is sub-judice.

All State Governments are also party to this case. Under article 235 of the Constitution of India, the administrative control over the members of subordinate judiciary in the States vests with the concerned High Court and the State Government. Accordingly, the Central Government has requested all the State Governments for taking necessary action to increase the judge strength as per the direction of the Supreme Court and also to fill up the vacant posts of judicial officers on urgent basis.